IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.502 OF 2007

Vilas Bhimrao Lohar, .. Appellant
Vs
Manohar Ramchandra Desai, .. Respondent.

Mr P.D.Dalvi, for the appellant.
Mr S.V.Sadavarte, for the respondent.

CORAM : D.B.BHOSALE,J.
DATED : 22nd August, 2007

P.C.:

1. Heard learned counsel for the parties.

2. This appeal is filed by the defendant against the judgments of the courts below by which a suit filed by the respondent-plaintiff for possession and recovery of arrears of rent stands decreed. Mr Dalvi, learned counsel for the appellant, vehemently, submitted that non-giving of notice under section 106 of the Transfer of Property Act is fatal and both the courts below have failed to appreciate this defence of the appellant in proper perspective. I perused the judgments of the courts below. Both the courts below have considered this aspect, in my opinion, in proper perspective and have rightly held that the lease of the appellant was determined as per section 111 of the Transfer of Property Act and hence the notice under section 106 of the Transfer of Property Act was not necessary.I find no error in the concurrent findings recorded by the

courts below. I find sufficient material on record to sustain the findings of facts recorded by the courts below. No interference is called for. The Second Appeal is dismissed.

(D.B.BHOSALE,J.)